

Reprinted

FEB 16 1990

HOUSE FILE 2450
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

Place On Calendar

(SUCCESSOR TO HSB 790)

Passed House, Date 3/2/90 (p. 830) Passed Senate, Date 3/21/90 (P.1222)
Vote: Ayes 92 Nays 0 Vote: Ayes 46 Nays 1
Approved April 17, 1990

A BILL FOR

54281 An Act relating to court costs to the city for certain dismissals
2 of parking violations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2450

1 Section 1.

2 Notwithstanding section 805.6, subsection 1, paragraph "a",
3 court costs in cases of parking violations which are more than
4 nine months old and which are dismissed by the city prior to
5 January 1, 1991, shall be waived.

54287

6 EXPLANATION

7 This bill waives court costs to the city for cases of
8 parking violations which are more than 9 months old and which
9 are dismissed by the city prior to January 1, 1991.

10 Current court costs are \$8.

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HOUSE FILE 2450

H-5428

1 Amend House File 2450 as follows:

2 1. Page 1, line 5, by striking the word "waived"
3 and inserting the following: "two dollars".

4 2. Page 1, by inserting after line 5 the
5 following:

6 "Sec. _____. Section 321.236, subsection 1,
7 unnumbered paragraph 2, Code 1989, is amended to read
8 as follows:

9 Parking meter and overtime parking violations which
10 are denied shall be charged and proceed before a court
11 the same as other traffic violations and court costs
12 shall be assessed as provided in section 602.8106,
13 subsection 1 and section 805.6, subsection 1,
14 paragraph "a" for parking violation cases. Parking
15 violations which are admitted:

16 Sec. _____. Section 602.8106, subsection 1, Code
17 Supplement 1989, is amended to read as follows:

18 1. Notwithstanding section 602.8105, the fee for
19 the filing and docketing of a complaint or information
20 for a simple misdemeanor is twenty dollars except that
21 the filing and docketing of a complaint or information
22 for a nonscheduled simple misdemeanor under chapter
23 321 is fifteen dollars. ~~However, a~~ The fee for filing
24 and docketing a complaint or information shall not be
25 collected in cases of overtime parking is eight
26 dollars, effective January 1, 1991.

27 Sec. _____. Section 805.6, subsection 1, paragraph
28 a, unnumbered paragraph 1, Code Supplement 1989, is
29 amended to read as follows:

30 The commissioner of public safety and the director
31 of natural resources, acting jointly, shall adopt a
32 uniform, combined citation and complaint which shall
33 be used for charging all traffic violations in Iowa
34 under state law or local regulation or ordinance, and
35 which shall be used for charging all other violations
36 which are designated by section 805.8 to be scheduled
37 violations. The court costs in cases of parking
38 violations which are denied, and charged and collected
39 pursuant to section 321.236, subsection 1, are eight
40 dollars per ~~court appearance, regardless of the number~~
41 ~~of parking violations considered at that court~~
42 appearance uniform citation and complaint. The court
43 costs in scheduled violation cases where a court
44 appearance is not required are ten dollars. The court
45 costs in scheduled violation cases where a court
46 appearance is required are fifteen dollars. This
47 subsection does not prevent the charging of any of
48 those violations by information, by private complaint
49 filed under chapter 804, or by a simple notice of fine
50 where permitted by section 321.236, subsection 1.

H-5428

Page 2

1 Each uniform citation and complaint shall be serially
2 numbered and shall be in quintuplicate, and the
3 officer shall deliver the original and a copy to the
4 court where the defendant is to appear, two copies to
5 the defendant, and a copy to the law enforcement
6 agency of the officer. The court shall forward the
7 copy of the uniform citation and complaint in
8 accordance with section 321.207 when applicable.

9 Sec. ____ . Section 805.8, subsection 2, paragraph
10 a, Code Supplement 1989, is amended to read as
11 follows:

12 a. For parking violations under sections 321.236,
13 321.239, 321.358, 321.360, and 321.361, the scheduled
14 fine is five dollars. The scheduled fine
15 automatically increases to ten dollars if the parking
16 violation is not paid within thirty days of the date
17 upon which the violation occurred. For purposes of
18 calculating the unsecured appearance bond required
19 under section 805.6, the scheduled fine shall be five
20 dollars. However, violations charged by a city upon
21 simple notice of a fine instead of a uniform citation
22 and complaint as permitted by section 321.236,
23 subsection 1, paragraph "a", are not scheduled
24 violations, and this section shall not apply to any
25 offense charged in that manner. For a parking
26 violation under section 111.38 or 321.362 the
27 scheduled fine is ten dollars.

28 3. Title page, line 2, by inserting after the
29 word "violations" the following: "and court costs and
30 fees for certain parking violations."

By JAY of Appanoose

H-5428 FILED FEBRUARY 28, 1990

Adopted 3/2 (p. 830)

HOUSE FILE 2450
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 790)

(As Amended and Passed by the House March 2, 1990)

Re Passed House, Date 3/30/90 (p. 1611) Passed Senate, Date 3/21/90 (p. 1222)

Vote: Ayes 91 Nays 0 Vote: Ayes 46 Nays 1

Approved April 17, 1990
*Motion to reconsider (p. 1224)
w/D 3/26 (p. 1309)*

A BILL FOR

1 An Act relating to court costs to the city for certain dismissals
2 of parking violations and court costs and fees for certain
3 parking violations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1.

2 Notwithstanding section 805.6, subsection 1, paragraph "a",
3 court costs in cases of parking violations which are more than
4 nine months old and which are dismissed by the city prior to
5 January 1, 1991, shall be two dollars.

6 Sec. 2. Section 321.236, subsection 1, unnumbered
7 paragraph 2, Code 1989, is amended to read as follows:

8 Parking meter and overtime parking violations which are
9 denied shall be charged and proceed before a court the same as
10 other traffic violations and court costs shall be assessed as
11 provided in section 602.8106, subsection 1 and section 805.6,
12 subsection 1, paragraph "a" for parking violation cases.

13 Parking violations which are admitted:

14 Sec. 3. Section 602.8106, subsection 1, Code Supplement
15 1989, is amended to read as follows:

16 1. Notwithstanding section 602.8105, the fee for the
17 filing and docketing of a complaint or information for a
18 simple misdemeanor is twenty dollars except that the filing
19 and docketing of a complaint or information for a nonscheduled
20 simple misdemeanor under chapter 321 is fifteen dollars.
21 However, ~~a~~ The fee for filing and docketing a complaint or
22 information shall not be collected in cases of overtime
23 parking is eight dollars, effective January 1, 1991.

24 Sec. 4. Section 805.6, subsection 1, paragraph a,
25 unnumbered paragraph 1, Code Supplement 1989, is amended to
26 read as follows:

27 The commissioner of public safety and the director of
28 natural resources, acting jointly, shall adopt a uniform,
29 combined citation and complaint which shall be used for
30 charging all traffic violations in Iowa under state law or
31 local regulation or ordinance, and which shall be used for
32 charging all other violations which are designated by section
33 805.8 to be scheduled violations. The court costs in cases of
34 parking violations which are denied, and charged and collected
35 pursuant to section 321.236, subsection 1, are eight dollars

1 per court-appearance, regardless of the number of parking
2 violations considered at that court appearance uniform
3 citation and complaint. The court costs in scheduled
4 violation cases where a court appearance is not required are
5 ten dollars. The court costs in scheduled violation cases
6 where a court appearance is required are fifteen dollars.
7 This subsection does not prevent the charging of any of those
8 violations by information, by private complaint filed under
9 chapter 804, or by a simple notice of fine where permitted by
10 section 321.236, subsection 1. Each uniform citation and
11 complaint shall be serially numbered and shall be in
12 quintuplicate, and the officer shall deliver the original and
13 a copy to the court where the defendant is to appear, two
14 copies to the defendant, and a copy to the law enforcement
15 agency of the officer. The court shall forward the copy of
16 the uniform citation and complaint in accordance with section
17 321.207 when applicable.

18 Sec. 5. Section 805.8, subsection 2, paragraph a, Code
19 Supplement 1989, is amended to read as follows:

20 a. For parking violations under sections 321.236, 321.239,
21 321.358, 321.360, and 321.361, the scheduled fine is five
22 dollars. The scheduled fine automatically increases to ten
23 dollars if the parking violation is not paid within thirty
24 days of the date upon which the violation occurred. For
25 purposes of calculating the unsecured appearance bond required
26 under section 805.6, the scheduled fine shall be five dollars.
27 However, violations charged by a city upon simple notice of a
28 fine instead of a uniform citation and complaint as permitted
29 by section 321.236, subsection 1, paragraph "a", are not
30 scheduled violations, and this section shall not apply to any
31 offense charged in that manner. For a parking violation under
32 section 111.38 or 321.362 the scheduled fine is ten dollars.

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HOUSE FILE 2450
FISCAL NOTE

A fiscal note for House File 2450 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2450 waives court costs to the city for cases of parking violations which are more than 9 months old and which are dismissed by the city prior to January 1, 1991.

Assumptions

1. Current court costs are \$8.
2. There are an estimated 50,000 parking violations that are nine months past due in the City of Des Moines. This information for other jurisdictions was not available.

Fiscal Effect

If court costs are dismissed for over due parking violations the General Fund could loose an estimated \$400,000 (\$8 x 50,000) in revenues, in the City of Des Moines alone. However, a recent Supreme Court case may allow Clerks of Court to charge only one \$8 fee regardless of the number of parking violations received by an individual.

(Source: City of Des Moines, City Clerks Office
and the Judicial Department)

(LSB 8303hv, DLR)

FILED FEBRUARY 22, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2450

S-5547

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 10, by inserting after the word
4 "violations" the following: ". Filing fees".

5 2. Page 1, by inserting after line 13 the
6 following:

7 "Sec. ____ . Section 321.236, subsection 1, para-
8 graph a, Code 1989, is amended to read as follows:

9 a. May be charged and collected upon a simple
10 notice of a fine not exceeding five dollars payable to
11 the city clerk or clerk of the district court, if
12 authorized by ordinance. The fine may be increased up
13 to ten dollars if the parking violation is not paid
14 within thirty days of the date upon which the
15 violation occurred, if authorized by ordinance. No
16 costs or other charges shall be assessed. All fines
17 collected by a city pursuant to this paragraph shall
18 be retained by the city and all fines collected by a
19 county pursuant to this paragraph shall be retained by
20 the county."

21 3. Page 1, by striking lines 22 and 23 and
22 inserting the following: "information shall not be
23 collected in cases of overtime or uniform citation and
24 complaint for parking violations under sections
25 321.236, 321.239, 321.358, 321.360, and 321.361 is one
26 dollar, effective January 1, 1991. The court costs in
27 cases of parking meter and overtime parking violations
28 which are denied, and charged and collected pursuant
29 to section 321.236, subsection 1, or pursuant to a
30 uniform citation and complaint are eight dollars per
31 information or complaint or per uniform citation and
32 complaint, effective January 1, 1991."

33 4. By striking page 1, line 33, through page 2,
34 line 3, and inserting the following: "805.8 to be
35 scheduled violations. The filing fees and court costs
36 in cases of parking meter and overtime parking
37 violations which are denied, and charged and collected
38 pursuant to section 321.236, subsection 1, are eight
39 dollars per court appearance, regardless of the number
40 of parking violations considered at that court
41 appearance are as stated in section 602.8136,
42 subsection 1. The court costs in scheduled".

43 5. Page 2, by striking lines 22 through 24 and
44 inserting the following: "dollars+. The scheduled
45 fine for a parking violation of section 321.236
46 increases in an amount up to ten dollars, as
47 authorized by ordinance pursuant to section 321.236,
48 subsection 1, paragraph "a", if the parking violation
49 is not paid within thirty days of the date upon which
50 the violation occurred. For".

By MICHAEL E. GRONSTAL

S-5547 FILED MARCH 16, 1990

(Adopted 3/21 (p. 1222))

SENATE AMENDMENT TO HOUSE FILE 2450

H-5875

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 10, by inserting after the word
4 "violations" the following: ". Filing fees".

5 2. Page 1, by inserting after line 13 the
6 following:

7 "Sec. ____ . Section 321.236, subsection 1, para-
8 graph a, Code 1989, is amended to read as follows:

9 a. May be charged and collected upon a simple
10 notice of a fine not exceeding five dollars payable to
11 the city clerk or clerk of the district court, if
12 authorized by ordinance. The fine may be increased up
13 to ten dollars if the parking violation is not paid
14 within thirty days of the date upon which the
15 violation occurred, if authorized by ordinance. No
16 costs or other charges shall be assessed. All fines
17 collected by a city pursuant to this paragraph shall
18 be retained by the city and all fines collected by a
19 county pursuant to this paragraph shall be retained by
20 the county."

21 3. Page 1, by striking lines 22 and 23 and
22 inserting the following: "information shall not be
23 collected in cases of overtime or uniform citation and
24 complaint for parking violations under sections
25 321.236, 321.239, 321.358, 321.360, and 321.361 is one
26 dollar, effective January 1, 1991. The court costs in
27 cases of parking meter and overtime parking violations
28 which are denied, and charged and collected pursuant
29 to section 321.236, subsection 1, or pursuant to a
30 uniform citation and complaint are eight dollars per
31 information or complaint or per uniform citation and
32 complaint, effective January 1, 1991."

33 4. By striking page 1, line 33, through page 2,
34 line 3, and inserting the following: "805.8 to be
35 scheduled violations. The filing fees and court costs
36 in cases of parking meter and overtime parking
37 violations which are denied, and charged and collected
38 pursuant to section 321.236, subsection 1, are eight
39 dollars per court appearance, regardless of the number
40 of parking violations considered at that court
41 appearance are as stated in section 602.8106,
42 subsection 1. The court costs in scheduled".

43 5. Page 2, by striking lines 22 through 24 and
44 inserting the following: "dollars. The scheduled
45 fine for a parking violation of section 321.236
46 increases in an amount up to ten dollars, as
47 authorized by ordinance pursuant to section 321.236,
48 subsection 1, paragraph "a", if the parking violation
49 is not paid within thirty days of the date upon which
50 the violation occurred. For".

RECEIVED FROM THE SENATE

H-5875 FILED MARCH 27, 1990

House concurred 3/30 (7/16/11)

HSB 790

Judiciary & Law Enforcement

HOUSE FILE 2450
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW
ENFORCEMENT BILL BY
CHAIRPERSON JAY)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to court costs to the city for certain dismissals
2 of parking violations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1.

2 Notwithstanding section 805.6, subsection 1, paragraph "a",
3 court costs in cases of parking violations which are more than
4 nine months old and which are dismissed by the city prior to
5 January 1, 1991, shall be waived.

6 EXPLANATION

7 This bill waives court costs to the city for cases of
8 parking violations which are more than 9 months old and which
9 are dismissed by the city prior to January 1, 1991.

10 Current court costs are \$8.

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HOUSE FILE 2450

AN ACT

RELATING TO COURT COSTS TO THE CITY FOR CERTAIN DISMISSALS OF
PARKING VIOLATIONS AND COURT COSTS AND FEES FOR CERTAIN
PARKING VIOLATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1.

Notwithstanding section 805.6, subsection 1, paragraph "a", court costs in cases of parking violations which are more than nine months old and which are dismissed by the city prior to January 1, 1991, shall be two dollars.

Sec. 2. Section 321.236, subsection 1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Parking meter and overtime parking violations which are denied shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1 and section 805.6, subsection 1, paragraph "a" for parking violation cases. Parking violations which are admitted:

Sec. 3. Section 321.236, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine not exceeding five dollars payable to the city clerk or clerk of the district court, if authorized by ordinance. The

fine may be increased up to ten dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county.

Sec. 4. Section 602.8106, subsection 1, Code Supplement 1989, is amended to read as follows:

1. Notwithstanding section 602.8105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor is twenty dollars except that the filing and docketing of a complaint or information for a nonscheduled simple misdemeanor under chapter 321 is fifteen dollars. ~~However, a~~ The fee for filing and docketing a complaint or information shall not be collected in cases of overtime or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361 is one dollar, effective January 1, 1991. The court costs in cases of parking meter and overtime parking violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint are eight dollars per information or complaint or per uniform citation and complaint, effective January 1, 1991.

Sec. 5. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The commissioner of public safety and the director of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The filing fees and court costs in cases of parking meter and overtime parking

violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, are eight dollars per court appearance, regardless of the number of parking violations considered at that court appearance are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable.

Sec. 6. Section 805.8, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. The scheduled fine for a parking violation of section 321.236 increases in an amount up to ten dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, paragraph "a", if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars. However, violations charged by a city upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that

manner. For a parking violation under section 111.38 or 321.362 the scheduled fine is ten dollars.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2450, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 17, 1990

TERRY E. BRANSTAD
Governor